

### REMARKS

After entry of this amendment, claims 9-27 remain pending. In the Final Office Action mailed July 29, 2004, claims 9-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sun et al., U.S. Patent No. 6,442,663 ("Sun") in view of Belsan et al., U.S. Patent No. 5,403,639 ("Belsan"). Applicants respectfully traverse this rejection and request reconsideration.

#### Claims 9-27

Applicants respectfully submit that each of claims 9-27 recite combinations of features not taught or suggested in the cited art. For example, claim 9 recites a combination of features including: "dividing the application state into shareable data and non-shareable data; and restoring an instance of the software application on a second computer different from the first computer, wherein the restoring comprises: providing the shareable data to the instance, and controlling access by the instance to the non-shareable data."

The present Office Action is ambiguous on what teachings are alleged to correspond to dividing into shareable and non-shareable data. On page 2, last 2 lines to page 3, first 8 lines, the present Office Action discusses Sun's teaching regarding significant nodes and trivial nodes and also global and local variables, referring to cols 10-35 of Sun. Applicants note that 25 columns have been identified, and respectfully request a more detailed and accurate indication of the teachings of Sun that are being relied on. Furthermore, on page 3, lines 13-15, the present Office Action states that Sun does not disclose dividing the snapshot image into shareable and non-shareable data.

Applicants respectfully submit that Sun's teachings related to significant nodes, trivial nodes, and global and local variables do not teach or suggest "dividing the application state into shareable data and non-shareable data; and restoring an instance of the software application on a second computer different from the first computer, wherein the restoring comprises: providing the shareable data to the instance, and controlling access by the instance to the non-shareable data" as recited in claim 9.

The Office Action alleges that Belsan teaches "controlling access by the instance to the non-shareable data" at col. 34, lines 32-34. Applicants respectfully disagree. These teachings are: "The file server system utility 6 also determines whether the user program 3 has access authorization to this snapshot application data group." Belsan describes a snapshot application data group thusly: "The snapshot application data groups allow the end user to define a set of data sets and/or databases that must be synchronized in time. The snapshot application data group then allows the end user to reference that set of data sets as a single entity for creation, access and deletion operations." (Belsan, col. 2, lines 26-31). Thus, Belsan teaches a set of data sets/database and controlling access to the entire set using the access authorization mentioned above. This does not teach or suggest "dividing the application state into shareable data and non-shareable data; and restoring an instance of the software application on a second computer different from the first computer, wherein the restoring comprises: providing the shareable data to the instance, and controlling access by the instance to the non-shareable data" as recited in claim 9. Furthermore, the alleged combination of Sun and Belsan does not teach or suggest the above highlighted features, since Belsan only teaches permitting or not permitting access to the entire application data group.

For at least the above stated reasons, Applicants submit that claim 9 is patentable over the cited art. Claims 10-14 depend from claim 9, and thus are patentable over the cited art for at least the above stated reasons as well. Each of claims 10-14 recites additional combinations of features not taught or suggested in the cited art.

Claims 15 and 21 each recite a combination of features including: "divide the application state into shareable data and non-shareable data; and restore an instance of the software application on a second computer different from the first computer, wherein the restore comprises: providing the shareable data to the instance, and controlling access by the instance to the non-shareable data." The teachings of Sun and Belsan, highlighted above, also do not teach or suggest the above highlighted features. Accordingly,

Applicants submit that claims 15 and 21 are patentable over the cited art. Claims 16-20 depend from claim 15, and thus are patentable over the cited art for at least the above stated reasons as well. Claims 22-27 depend from claim 21, and thus are patentable over the cited art for at least the above stated reasons as well. Each of claims 16-20 and 22-27 recites additional combinations of features not taught or suggested in the cited art.

#### Comments on Drawings

In the Response to Office Action mailed April 19, 2004 (and apparently received in the PTO on April 22, 2004, according to the Office Action -- referred to herein as the "previous Response"), Applicants provided a set of replacement drawings. Applicants have since noticed certain changes in the drawings as compared to the originally-filed (informal drawings). These changes are not believed to include new matter, and are described below merely for clarity in the record. Additionally, Applicants file herewith replacement Figs. 14 and 15. In both Figs. 14 and 15 as filed herewith, the labels "Begin" and "Return" as presented on Figs. 14 and 15 filed with the previous Response have been deleted. Additionally, in block 594 in Fig. 15, "a1" has been changed to "a3" to conform to Fig. 15 as originally filed. Additionally, in Fig. 14, the text in block 570 was changed to conform to the specification (e.g. see Fig. 10).

Extraneous lines that were included around the periphery on the informal drawings were deleted in Figs. 1, 3-6, and 11-15. Additionally, text at the bottom of Figs. 1, 3-5, and 10-15 was not included on the drawings filed in the previous Response. In Fig. 1, the labels "computer 1", "computer 2", and "computer 3" were not included from the informal drawings. In Fig. 8, the missing reference numeral 390 was added to conform to the specification (see, e.g., page 12, line 30). In Fig. 9, the reference numeral 41 was changed to 412 to conform to the specification (see, e.g., page 13, line 19).

In Fig. 5, Applicants noticed that two reference numerals were repeated in the informal drawings and corresponding description (namely, reference numerals 264 and 266). Fig. 5 as submitted in the previous Response was renumbered to eliminate the duplicate reference numerals. Applicants have amended the specification in this

Response accordingly (see amendments to the paragraph beginning at page 7, line 11 presented above).

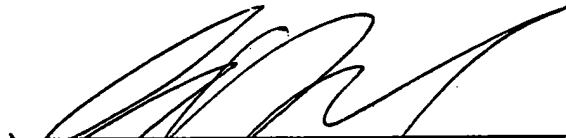
#### Comments on Specification Amendments

Applicants have amended the specification to be consistent with the reference numerals in Fig. 5, as mentioned above. Additionally, Applicants have amended the specification to correct the priority claim and certain typographical errors, as illustrated in the specification amendment section above. Applicants believe that these amendments do not constitute new matter.

#### CONCLUSION

Applicants submit that the application is in condition for allowance, and an early notice to that effect is requested. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-22200/LJM.

Respectfully submitted,

  
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Date: October 18, 2004

**IN THE DRAWINGS:**

Attached hereto are 2 replacement sheets, replacing Figs. 14 - 15 as previously filed. Certain changes to the drawings are not believed to be new matter, and are described below merely for clarity in the record.